IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Crl.Rev.Pet.No. 3722 of 2007()

CC.588/2006 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM

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REVN. PETITIONER:

A.V.THOMAS & CO.LTD, BRISTO ROAD,
WELLINGTON ISLAND, COCHIN-682 003.
REP. BY ITS EXECUTIVE OFFICER JACOB PHILIP.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENTS:

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1. M/S.STANDARED RUBBER, REP. BY ITS PROPRIETOR,MR.SAI RAMAN, 2/126 D-5, POLLACHI ROAD, MULAMACHAMPATTI, COIMBATORE-21.

2. MR.SAI RAMAN,PROPRIETOR, M/S.STANDARED RUBBER,MOOLAYIL HOUSE, KELATHODE,OLLUKARA P.O.,THRISSUR-55.

3. STATE OF KERALA REPRESENTED BY THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR , J

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CRL. R.P. NO. 3722 OF 2007

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Dated this the 23rd day of October, 2007.

ORDER

The revision petitioner, who is the complainant in C.C. No. 588/2006 on the file of the Court of Additional Chief Judicial Magistrate (Economic Offences), Ernakulam in a prosecution under Section 138 of the Negotiable Instruments Act, 1881 involving a cheque for Rs.1,33,177/-, challenges the order dated 02.07.2007 passed by the court below dismissing the complaint under Section 204(4) Cr.P.C for failure to take steps for issuing non bailable warrants against the absconding accused.

2. The court below should have given the revision petitioner an opportunity to deposit the process fee instead of dismissing the complaint. The impugned order is accordingly set aside and C.C. No. 588/2006 will stand restored to file. The petitioner shall appear before the court below without any further notice on **14.11.2007** by which time he shall have deposited the necessary process fee for issuing process against the accused.

The Crl.R.P is disposed of accordingly.

V. RAMKUMAR, JUDGE.

rv